

ASSEMBLY BILL

No. 2055

Introduced by Assembly Member De La Torre

February 18, 2010

An act to amend Section 1256 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriations therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2055, as introduced, De La Torre. Unemployment insurance: benefits: eligibility: domestic partners.

Existing law provides for the payment of unemployment compensation benefits to eligible individuals who are unemployed through no fault of their own. Existing law specifies that an individual is disqualified from receiving benefits if the Director of Employment Development finds that he or she left his or her most recent work voluntarily without cause or that he or she has been discharged for misconduct connected with his or her most recent work. Under existing law, an individual may be deemed to have left his or her most recent work with good cause if he or she leaves employment to accompany his or her spouse or domestic partner to a place from which it is impracticable to commute to the employment, and specifies that, for purposes of those provisions, "spouse" includes a person to whom marriage is imminent.

This bill would specify that, for purposes of those provisions governing eligibility for benefits, "domestic partner" also includes a person to whom domestic partnership, as described, is imminent. Because the bill would provide for additional amounts payable for unemployment benefits from the Unemployment Fund, a continuously appropriated fund, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1256 of the Unemployment Insurance
2 Code is amended to read:

3 1256. An individual is disqualified for unemployment
4 compensation benefits if the director finds that he or she left his
5 or her most recent work voluntarily without good cause or that he
6 or she has been discharged for misconduct connected with his or
7 her most recent work.

8 An individual is presumed to have been discharged for reasons
9 other than misconduct in connection with his or her work and not
10 to have voluntarily left his or her work without good cause unless
11 his or her employer has given written notice to the contrary to the
12 department as provided in Section 1327, setting forth facts
13 sufficient to overcome the presumption. The presumption provided
14 by this section is rebuttable.

15 An individual whose employment is terminated under the
16 compulsory retirement provisions of a collective bargaining
17 agreement to which the employer is a party, shall not be deemed
18 to have left his or her work without good cause.

19 An individual may be deemed to have left his or her most recent
20 work with good cause if he or she leaves employment to
21 accompany his or her spouse or domestic partner to a place from
22 which it is impractical to commute to the employment. For
23 purposes of this section “spouse” includes a person to whom
24 marriage is imminent, *and “domestic partner” includes a person*
25 *to whom a domestic partnership, as described in Section 297 of*
26 *the Family Code, is imminent.*

27 An individual may be deemed to have left his or her most recent
28 work with good cause if he or she leaves employment to protect
29 his or her children, or himself or herself, from domestic violence
30 abuse.

31 An individual shall be deemed to have left his or her most recent
32 work with good cause if he or she elects to be laid off in place of
33 an employee with less seniority pursuant to a provision in a
34 collective bargaining agreement that provides that an employee
35 with more seniority may elect to be laid off in place of an employee

- 1 with less seniority when the employer has decided to lay off
- 2 employees.

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